

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 5/7/2019 10:23:07 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]
Subject: Re: Due Today FW: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

I will not be able to review. sorry.

From: Hanley, Mary
Sent: Tuesday, May 7, 2019 4:36 PM
To: Dunn, Alexandra; Bertrand, Charlotte; Beck, Nancy
Cc: Keller, Kaitlin
Subject: Due Today FW: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Hi, just checking back on these which were requested by noon today. Thanks.

From: Keller, Kaitlin
Sent: Monday, May 06, 2019 4:05 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Malloy, Ruth <malloy.ruth@epa.gov>
Subject: RE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Attached for review are the draft responses to the two OCSPP QFRs from this set. These are due back to OCIR noon tomorrow (5/7).

Ruth-please print these for Alex's binder and Charlotte's folder this evening.

Thanks,

Kaitlin

From: Dunn, Alexandra
Sent: Friday, May 3, 2019 6:49 AM
To: Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Re: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Please make sure I see the final responses, or the latest version.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On May 2, 2019, at 10:11 PM, Scheifele, Hans <Scheifele.Hans@epa.gov> wrote:

Hi Mary,

I was out of the office when assignments were finalized last time but I understood it was handled between OCSPP and OCIR with OCIR making the ultimate call. We will certainly work with Kaitlin tomorrow on this and make sure everyone is on the same page.

Hans

On May 2, 2019, at 8:26 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

+ Kaitlin

Many thanks Hans. There was some confusion apparently with the PFAS QFRs as to what ultimately was and was not our wheelhouse when it came down to it. So would it be possible before Kaitlin sends these inputs forward to OCIR get confirmation that your IO has no further inputs? I know everyone is busy but just want to make sure as we embark on responses that we are all on the same page as there is so little time to respond and so many other things pressing.

M

Sent from my iPhone

On May 2, 2019, at 5:45 PM, Scheifele, Hans <Scheifele.Hans@epa.gov> wrote:

Hi Mary, I have some initial input on the questions below in bold:

37 - Before the 2014 National Air Toxics Assessment (NATA) information was publicly available, several communities had voiced concerns about dangerous levels of ethylene oxide emissions. What is the record of EPA receiving such concerns and what was OECA's involvement in responding to those concerns?

I don't know that OCSPP can provide input on tips and complaints or OECA's involvement in responding to tips and complaints which seems to be the crux of this.

38. How was OECA consulted when the ethylene oxide emissions from the Sterigenics facility in Willowbrook, IL were being addressed by EPA? How were plans put into place regarding ambient air monitoring and did other offices in EPA consult with OECA on those plans? If so, what were the recommendations of OECA career and

political staff and what was EPA's response to OECA input?

Recommend OAR and OECA

39. More than 100 ethylene oxide hotspot locations were identified in the 2014 NATA results (over 100 per million cancer risk). Are these communities being informed of those air toxics assessment screening results and will any of those communities, beyond DuPage, IL receive additional study and air monitoring by EPA? How will OECA be consulted about those plans?

Recommend OAR and OECA

40. Will actions to address the ethylene oxide emissions be a part of the upcoming Unified Agenda of Regulatory and Deregulatory Actions? If so, will OECA career staff be part of the action (e.g. rulemaking) workgroup(s)?

I don't know that we have much to share other than that OCSPP does not have anything in the reg agenda on ETO

For below 1-5 and 6-10 should be handled by OECA. I don't know enough about this to know if we could add anything to yellow part of 5, I suspect not but we can check.

1. When did the EPA first learn of the TSCA violations alleged in this whistleblower case?
2. Has the EPA obtained information about the alleged TSCA violations from the whistleblower, such as the chemical companies' "internal documents" mentioned in the news article?
3. Isn't it the duty of the EPA's Office of Enforcement and Compliance Assurance to enforce TSCA's reporting requirements?
4. Has the EPA initiated an enforcement investigation or proceeding?
5. Has the EPA at least attempted to obtain the concealed isocyanate Section 8(e) information from the chemical companies? If so, has the EPA assessed whether there are gaps or deficiencies in EPA isocyanate hazard assessments?

6. If not, why not? Specifically, does the EPA lack sufficient personnel or financial resources to uncover this type of alleged fraud or to pursue enforcement action once it is discovered?
7. What type of resources or other tools would be helpful to the EPA in enforcing TSCA?
8. Does the EPA believe that whistleblower actions like this one are useful to assist the EPA in identifying TSCA violations and enforcing TSCA obligations to protect workers and consumers from harmful chemicals?
9. According to the news article, the whistleblower believes the trial court's ruling "effectively eviscerates the EPA's statutory duty and right to collect any penalties for transmission violations that precede its determination of the violation." Has the EPA assessed whether and to what extent the ruling would affect its ability to assess penalties for TSCA violations? Does the EPA have sufficient resources, either internally or through the DOJ, to defend its penalty assessment authority against this ruling?
10. Including based on email or other communications with you, OCSPP or others at EPA, please identify the names and positions of all other witnesses/officials at EPA and the Department of Justice (including but not limited to attorneys at the Civil Division at Main Justice or at the U.S. Attorney's offices for the District of Columbia or the Northern District of California) who may have information, knowledge or documents relating to the alleged TSCA violations in the whistleblower case, and/or who have email or other documents or communications relating to the alleged violations or that case.

2

- a. In your opinion, was one of the reasons that this regulation was not complied with by this party because of the complexity of the laws and regulations relating to the RRP Rule?

Since this deals with "an opinion" about a violation, I don't know if we should respond. However, we could provide a

general statement about the requirements, and our tools and guidance available to help regulated entities comply to support a general statement that we don't think it is complex for comply with.

- b. What are you doing more generally to address lead exposure?

Although OCSPP is not the lead on the agency's lead strategy we could talk generally about our lead program and discuss the overall lead action plan at a high level.

Hans Scheifele
Special Assistant
Office of Pollution Prevention and Toxics
William Jefferson Clinton Building - East, MC7401M
Washington DC 20460
202.564.3122 (office) | Scheifele.hans@epa.gov

From: Hanley, Mary
Sent: Thursday, May 02, 2019 11:07 AM
To: Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: FW: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities
Importance: High

Please take a quick look at the QFRs that are identified as ours or where we are the lead to coordinate and let me know if OPPT agrees with the assignments. Some seem like they should be OECA or they should have the lead and coordinate back with us. Please advise quickly. The deadline for sending the IO draft responses will have to be no later than Noon Monday since they are due Noon Tuesday. Thanks.

From: Levine, Carolyn
Sent: Thursday, May 02, 2019 10:53 AM
To: Beckmann, Ronna Erin <beckmann.ronna@epa.gov>; Vela, Austin <Vela.Austin@epa.gov>; Taheri, Diane <Taheri.Diane@epa.gov>; Bokun, Lisa <Bokun.Lisa@epa.gov>;

Wolfe, Michael <Wolfe.Michael@epa.gov>; Cyran, Carissa
<Cyran.Carissa@epa.gov>; Lubetsky, Jonathan
<Lubetsky.Jonathan@epa.gov>; Hanley, Mary
<Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Kaiser, Sven-Erik
<Kaiser.Sven-Erik@epa.gov>; Emmerson, Caroline
<Emmerson.Caroline@epa.gov>; Folkemer, Nathaniel
<Folkemer.Nathaniel@epa.gov>; Janifer, Pamela
<Janifer.Pamela@epa.gov>; Snyder, Raquel
<Snyder.Raquel@epa.gov>
Subject: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP,
OW, Regions 5, 6 equities

Hi everyone,

Attached are hearing Questions for the Record (QFRs) from OECA
AA Susan Bodine's February 26, 2019, House Energy and
Commerce Subcommittee on Oversight & Investigations hearing
on EPA's enforcement program. OECA has identified some
questions which have equities for OAR, OCSPP, Region 5 and
Region 6. Please review the attached draft assignment list and let
me know if you have any questions or suggestions regarding the
proposed assignments.

Please send your draft responses to me (R5, R6) + Sven (OCSSP) or
Pat (OAR), cc: Caroline and Nate in OECA as well, ensuring upper
management clearance by **12pm (ET) on Tuesday, May 7**.

Please let me know any questions. Thank you!

Carolyn

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov